

In the United States District Court
 For the Southern District of West
Virginia Beckley Division
 (State)

Name: Milton Or Kenney

Prison ID #: 14102-032

Name: _____

Prison ID #: _____

Name: _____

Prison ID #: _____

☐ Check here if there are additional
 Plaintiffs—use separate sheet to
 list each person. DO NOT USE ET AL.

vs.

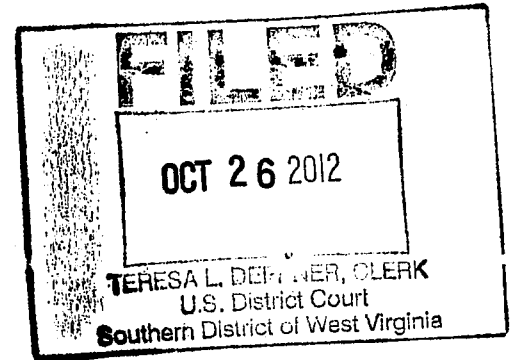
Name: Shawn Lough

Name: _____

Name: _____

Name: _____

☐ Check here if there are additional
 Defendants—use separate sheet to
 list each person. DO NOT USE ET AL.



Civil Action #: 5:12-7012

(To be assigned by the Clerk's
 Office. Do not write in this blank.)

Complaint for the Violation of Civil Rights
Under 42 U.S.C. § 1983

I. Previous Lawsuits

A. Have you or any of the other plaintiffs listed above filed any other
 lawsuits in the United States District Courts and/or any state courts?

☐ Yes

☒ No

B. If you answered YES to Question A, list the following information:

☐ Check here if more than one lawsuit has been filed and list them on
 additional sheets

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. In what Court did you file the previous lawsuit?

(If Federal Court, name the District; if State Court, name the county.)

3. Case Number of the previous lawsuit: _____

4. Name of judge to whom the case was assigned: _____

5. Date previous lawsuit was filed: ____/____/____ (List at least the year.)

6. What was the disposition or result of the previous lawsuit? (for example, was it dismissed, appealed, or still pending)

7. When was previous lawsuit decided: ____/____/____ (List at least the year.)

8. Did the previous lawsuit involve the same facts or circumstances that you are now alleging in the lawsuit you are now submitting?

☐ Yes

☐ No

II. Place of Plaintiff(s)'s current confinement:

A. Name of prison or jail in which you are currently incarcerated:

Federal Corr. Inst. Bockley

B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

☒ Yes

☐ No

C. If you answered NO to question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

D. Did you present these facts to the prison authorities through the prisoner grievance procedure?

☒ Yes

☐ No

E. If you answered Yes to question D:

1. What steps did you take:

Entire Procedure.

But I was told by Administrative

Remedy Clerk to go through Probation

Officer

2. What was result:

He never responded back.

(I filed Tort Claim - Denied) Told to file this Suit

F. If you answered No to question D, explain why not: _____

III. Parties to this Lawsuit

A. Plaintiff(s) bring this lawsuit:

1. Name of Plaintiff:

Milton Orr Kenney

Prison ID #:

14102-032

Address, include name of institution:

Fed. Corr. Inst.

Beckley "P.O. Box 350" Beaver, W. Virginia

25813

2. Name of Plaintiff: _____

Prison ID #:

Address, include name of institution:

3. Name of Plaintiff: _____

Prison ID #:

Address, include name of institution:

☐ Check here if there are additional plaintiffs and list them on additional sheet of paper.

- B. Defendants against whom you are filing this lawsuit:
For each defendant, check whether you are naming the defendant as his or her individual and/or official capacity.

1. Name of Defendant: Shawn Lough
Place of Employment: Fed. Gov. Inst. Bookery
Address of Defendant: P.O. Box 350
Becker, West Virginia 25813
Named in an official capacity? ☒ Yes ☐ No
Named in an individual capacity? ☒ Yes ☐ No

2. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

3. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

- ☐ Check here if there are more than 3 defendants. You must list each and every defendant. If you do not list the name of a defendant, he or she will not be included in the lawsuit. If you do not list the place of employment and address the clerk will not be able to serve that defendant. Use addition sheets of paper to list more than 3 defendants.

IV. Statement of your claim

State as briefly as possibly all the facts of your case. Recite the dates when any incidents or events occurred, and the places where they took place. Describe how each defendant is involved. Also include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each one, and use a separate paragraph for each one.

On 11-16-2011 at (1:00 PM) in Pine A-Upton, I had a Team Meeting with Shawn Lough, Counselor, who tried to get me to sign papers saying I was a Sex Offender. I refused to sign the papers because my Case of "Unlawful Immigrant" and Fourth Degree Assault was not a Sex Offense nor Sexual Assault. I was only preventing my Girl friend from smoking Crack Cocaine Pregnant with our Daughter. The Federal Policy Program Statement 5141.02 clearly states, if I was not convicted in a Court, I should not be given a Registration or Notification of Sexual Offenses. I was never convicted in the →

Could get special treatment,
or a sex offender. My
Daughter deserved to not
be exposed or being harm-
ed by her mother's drug
use during Pregnancy.
The same action I took
was ^{no} different than me
preventing "4" Female Cor-
rectional Officers from
being Sexual Assaulted,
Raped or Murdered. An
most importantly my
child deserved to be pro-
tected. From Sharon Laugh-
"False Actions", I became
Emotional Distressed, loss
of weight from worrying
called a Sex Offender
by Officer Williams on
1-7-2012 and called a
Sex Offender by my
Counselor Mr. Grooms.

on 1-12-12. I had to speak with Mrs. Odell on 12-9-11 and Mrs. Seaford on 5-10-12 and Mrs. Rodriguez on 1-13-12. It was very insulting to be called a Sex Offender and then the information was sent to three females, which was very very stressful to discuss a Sex Charge which was False Information. The Publication of Defamatory Information was very outrageous to my Reputation and Infliction to my Character. His False Information was "Defamation of my Character" and a

③

clear violation of the
 Program Policy statement
 and a violation of my
5th and 14th Constitutional
 Rights, and Demanding
 to Mr. An i have
 the right to be free
 from knowing false
 information presented
 and published
 against ^{me} An the defi-
 nition of Sexual Assault
 is Sexual Intercourse
 which did not happen.
 Like i said before, i was
 only stopping my Girl
 Friend from causing
 any harm to our
 daughter, from her
 smoking Crack Cocaine
 Pregnant with our →

Douglas, something
every man would do, to
protect his child from
being harmed. My actions
did not fall under the
definition of a "Sex Offense"
Shawn Loughs conduct was
an erroneous application
of the Law and the In-
justice results from his
failure to obtain true facts
his accusation was made
with reckless disregard,
Unreliable Information,
False and Defamatory state-
ment, Unprivileged publica-
tion and Negligence on
his part, in publishing
the False Statements. His
conduct violated my Consti-
tutional Rights, 5th & 14th
Amendment. The nature and
circumstance, was asking her, my

Daughter. Shawn Lough
actoris has violated my
Equal Protection of the
14th Amendment and
Defamation and a Due
Process Violation, due to
liberty interest in my
Good Name. An my rights
have been Invaded. I have
the right to not be
considered a Sex Offender.
Through his own
"Individual Actions" he has
violated my Constitutional
Rights and a Reckless
disregard to the truth.
So I ask this Court
to grant me the necessary
Relief. Also, before →

i close my arguments, i
would just like to
say, what i am oping
thorough mentally, of
being called a sex
offender is very horrible
Emotional Distress. It
is uncalled for,
because the Unlawful
Imprisonment charge
was considered a
Violent Crime by the
Court, an i was
given the Career Offender
enhancement, as to the
charge being a Violent
Crime, not a Sex Crime.
I have enclosed paper
work to reveal what i've
said. Thank You Bobby Hurd, Kenneth

"P.S. Also, it cannot be twice
independently reviewed, just the same
again."

Equal Protection Clause
of the 14th Amendment.
(Back Side Please) →

The Black Law Dictionary defines "Sexual Assault as Sexual Intercourse with another person who was not married. Sexual abuse statutes have prohibited the crime of Rape and included it within the offense of Sexual Assault..."

sent to Ct.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JANUARY 12, 2012

FROM: *SPJ* *Admin Remedy Clerk*
ADMINISTRATIVE REMEDY COORDINATOR
BECKLEY FCI

TO : MILTON ORR KENNEY, 14102-032
BECKLEY FCI UNT: PINE QTR: P05-131U
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS ADMINISTRATIVE REMEDY REQUEST IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 672135-F1 ADMINISTRATIVE REMEDY REQUEST
DATE RECEIVED : JANUARY 12, 2012
SUBJECT 1 : OTHER RECORDS MANAGEMENT
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: SEE REMARKS.

REMARKS

YOUR REQUEST MUST BE FILED THROUGH THE UNITED STATES PROBATION OFFICE NOT THE ADMINISTRATIVE REMEDY PROCESS

✓ ✓ ✓ ✓ ✓ ✓ ✓

described in Section 6 except for:

(1) Individuals whose PSF is based on behavior which did not result in a conviction for a sexual offense, for example the PSI describes a charge for sexual assault or rape, but the individual was convicted of simple assault; or,

(2) Individuals whose PSF is based on behavior while imprisoned which resulted in a guilty finding under institution disciplinary proceedings but not a court conviction. Administrative findings in and of themselves for sexual offenses may not be the basis for registration or notification.

Program Policy
Statement

Number: 5141.02

I was not con-
victed in Court
Sir, of No Sex
Offense...

prostat

1

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INMATE SKILLS DEVELOPMENT PLAN

Name: KENNEY, MILTON ORR

PROGRAM REVIEW: 05-15-2012

RegNo: 14102-032

INTERPERSONAL

State	Response Summary	Progress and Goals
		<p>Previous TEAM 11-16-2011</p> <p>Maintain/Establish family ties by mail, telephone, and social visits thru 11-2011.</p> <p>Current TEAM</p> <p>Since last review: Inmate has maintained family ties via mail and telephone.</p> <p>No recommendations.</p>

WELLNESS

State	Response Summary	Progress and Goals
<input checked="" type="checkbox"/>	<p>HEALTH PROMOT/DISEASE PREVENT</p> <p>④ within acceptable weight range</p> <p>① height 5 ft. 11 in.</p> <p>① weight (lbs) 165</p> <p>① BMI Score 23</p> <p>① date calculated 05-13-2011</p> <p>④ maintains physical fitness thru regular exercise;</p> <p>① aerobic exercise</p> <p>④ evidence of behaviors associated with increased risk of infectious disease</p> <p>① intravenous drug use</p> <p>① unprotected promiscuous sexual activity</p> <p>① tattoo, body piercing (in unsanitary settings)</p> <p>④ uses tobacco (cigarettes, cigars, and/or smokeless tobacco)</p> <p>④ had a primary care provider or clinic (prior to incarceration)</p> <p>④ has health insurance coverage upon release</p>	
<input checked="" type="checkbox"/>	<p>DISEASE/ILLNESS MANAGEMENT</p> <p>④ complies with treatment recommendations and/or takes medications as prescribed, or none required</p> <p>④ healthy - No current health concerns</p> <p>④ dental problems - See Exit Summary</p> <p>④ no non-routine services/assistance devices needed</p>	
<input checked="" type="checkbox"/>	<p>TRANSITIONAL PLAN</p>	
<input checked="" type="checkbox"/>	<p>GOVERNMENT ASSISTANCE</p> <p>① has not previously received Social Security assistance</p> <p>① not eligible for Social Security assistance after release</p> <p>① has not served in the U.S. Armed Forces, U.S. Military Reserves, AND/OR U.S. National Guard</p> <p>① spouse or a parent has not served in the U.S. Armed Forces, U.S. Military Reserves, AND/OR U.S. National Guard</p>	

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INMATE SKILLS DEVELOPMENT PLAN

Name: KENNEY, MILTON ORR

PROGRAM REVIEW: 05-15-2012

RegNo: 14102-032

WELLNESS

State	Response Summary	Progress and Goals
		<p>Previous TEAM 11-16-2011</p> <p>None</p> <p>Current TEAM</p> <p>Since last review: No goals.</p> <p>Recommend inmate enroll in Chronic Care by 11-2013.</p>

MENTAL HEALTH

State	Response Summary	Progress and Goals
<input checked="" type="checkbox"/>	<p>SUBSTANCE ABUSE MANAGEMENT</p> <p>④ evidence of inappropriate use of alcohol, prescription medications and/or illegal drugs in the year prior to arrest</p> <p>alcohol: Rarely</p> <p>cocaine/crack: Weekly</p> <p>heroin: Rarely</p> <p>④ no history of substance abuse treatment</p> <p>① not currently participating in substance abuse treatment</p>	
<input checked="" type="checkbox"/>	<p>MENTAL ILLNESS MANAGEMENT</p> <p>④ no history of mental health diagnosis prior to incarceration</p> <p>④ no mental health diagnosis during incarceration</p> <p>④ no history of serious suicidal ideation or attempts</p>	
<input checked="" type="checkbox"/>	<p>TRANSITIONAL PLAN</p> <p>④ no medication required upon release from custody</p> <p>④ does not require on-going treatment after release from custody</p> <p>① RRC placement not applicable</p>	
<input checked="" type="checkbox"/>	<p>APPROPRIATE SEXUAL BEHAVIOR</p> <p>④ no evidence of sexually inappropriate behavior</p>	
	<p>Previous TEAM 11-16-2011</p> <p>There are no mental health recommendations at this time. The Inmate should access psychology services as needed.</p> <p>- 40 HR. Drug Education course 5/2012</p> <p>Current TEAM</p> <p>Since last review: Inmate completed the Drug Education program on 2/10/2012.</p> <p>Inmate has no further identified mental health or substance abuse needs at this time.</p>	

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DRUGS AND YOUR BABY



Ask Dr. Frank

Q WE'RE HAVING A BABY IN FIVE MONTHS AND WE BOTH PARTY A LOT. LAST TIME WE WENT TO THE DOCTOR, HE SAID OUR BABY MIGHT HAVE PROBLEMS.

WHAT DID HE MEAN? WHAT SHOULD WE DO?

A I'm glad you care enough about your baby to think about this. A child exposed to alcohol or drugs in the womb can be born prematurely, have low birth weight or birth defects, be at greater risk of Sudden Infant Death Syndrome and have trouble with behavioral problems

and learning later in life. These problems are serious, and many last throughout the child's life. What can you do? Because your unborn baby is at greater risk due to your lifestyle, you need to stop abusing alcohol and drugs – both of you, now. Because it's difficult to

make such drastic lifestyle changes on your own, it's best to seek help through institution programs and, for your partner, through in- or outpatient treatment programs. The most important thing is to protect your child's life – he or she is depending on you!

WHAT IS FASD?

Fetal Alcohol Spectrum Disorders is a general term that covers what can happen to babies born to mothers who drink while they are pregnant. Your child can face mental retardation, severe birth defects and learning disorders that can last a lifetime.

- As many as 40,000 babies each year are born with FASD.
- Studies of children with FASD show that more than half of them are charged with or convicted of a crime.

<http://download.ncadi.samhsa.gov/Prevline/pdfs/SMA06-4236.pdf>

Apparent by the US District Court in the case of *United States v. Funk*, 534 F.3d 522 (6th Cir. 2008), reh'g en banc granted, opinion vacated, (Dec. 18, 2008) (Sixth Circuit Court of Appeals determined that the district court's imposition of a sentence of 150 months' imprisonment, when the Guidelines called for a minimum sentence of 262 months' imprisonment, was an abuse of discretion, because the district court's disagreement with the imposition of the career-offender enhancement was a substantively unreasonable application of the sentencing law.)

- U.S. v. Funk, 534 F.3d 522 (6th Cir. 2008), reh'g en banc granted, opinion vacated, (Dec. 18, 2008) (Sixth Circuit Court of Appeals determined that the district court's imposition of a sentence of 150 months' imprisonment, when the Guidelines called for a minimum sentence of 262 months' imprisonment, was an abuse of discretion, because the district court's disagreement with the imposition of the career-offender enhancement was a substantively unreasonable application of the sentencing law.)
- U.S. v. Coleman, 290 Fed. Appx. 938 (7th Cir. 2008), reviewing this case on remand from the Supreme Court.

(e) Limited authority to impose a sentence below a statutory minimum.—Upon motion of the Government, the court shall have the authority to impose a sentence below a level established by statute as a minimum sentence so as to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed an offense. Such sentence shall be imposed in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code.

(f) Limitation on applicability of statutory minimum.—

following considerations—

“(A) the sentence imposed for trafficking in a quantity of crack cocaine should generally exceed the sentence imposed for trafficking in a like quantity of powder cocaine;

“(B) high-level wholesale cocaine traffickers, organizers, and leaders, of criminal activities should generally receive longer sentences than low-level retail cocaine traffickers and those who played a minor or minimal role in such criminal activity;

“(C) if the Government establishes that a defendant who traffics in powder cocaine has knowledge that such cocaine will be converted into crack cocaine prior to its distribution to individual users, the defendant should be treated at sentencing as though the defendant had trafficked in crack cocaine; and

§ 3553. Imposition of a sentence

(a) Factors to be considered in imposing a sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—

(1) the nature and circumstances of the offense and the history and characteristics of the defendant;

(2) the need for the sentence imposed—

(A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant; and

(D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(3) the kinds of sentences available;

(4) the kinds of sentence and the sentencing range established for—

(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or

(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by

AOC-445
Rev. 12-98
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Doc. Code: JSF

sent copy
to court

- ☒ B. the defendant is in the need of correctional treatment that can be provided most effectively by the defendant's commitment to a correctional institution.
- ☒ C. probation, probation with an alternative sentencing plan, or conditional discharge would unduly depreciate the seriousness of the defendant's crime.
- ☒ D. the defendant is ineligible for probation, probation with an alternative sentencing plan, or conditional discharge because of the applicability of KRS 532.080, (PFO); KRS 439.3401, (Violent Offender); KRS 533.060, (Use of Firearm); or 532.045, (Sex Offenses).
- ☐ that the defendant is eligible for probation, probation with an alternative sentencing plan, or conditional discharge as hereinafter ordered on AOC-455.

No sufficient cause having been shown why judgment should not be pronounced, it is ADJUDGED BY THE COURT that the defendant is guilty of the following charge(s):

- CHARGE 1: KRS 508.010 ASSAULT 1ST NON-FAMILY STRGARM - AMENDED TO ASSAULT 4TH DEG.*
12 MTHS TO RUN CONCURRENT WITH CHARGE 2
- CHARGE 2: KRS 509-040 KIDNAPPING-ADULT - AMENDED TO UNLAWFUL IMPRISONMENT 1ST 2 YRS.*
- CHARGE 3: KRS 532.080 (3) PERSISTENT FELONY OFFENDER 1ST - DISMISSED

and is sentenced to:

- ☐ fine of \$_____ to be paid _____.
- ☐ imprisonment for a maximum term of _____
and a fine of \$_____ to be paid _____
probated/probated with an alternative sentence _____ on. (No fine imposed on KRS Chapter 31 indigent defendant).
- ☐ imprisonment for a maximum term of _____
and a fine of \$_____ to be paid _____
conditionally discharged as stated in the attached Order of Conditional Discharge. (No fine imposed on KRS Chapter 31 indigent defendant).
- ☒ imprisonment for a maximum term of 2 YEARS in
STATE FACILITY (institution) to run ☐ concurrently
☐ consecutively with a previous sentence imposed _____.

IT IS FURTHER ORDERED THAT the defendant's bond:

- ☐ is released. If the bond was posted by the defendant, the bond ☐ shall be ☐ shall not be applied to payment of remaining fines and costs ☐ other _____;
- ☐ is not released until ☐ further order of the court ☐ payment of all fines and costs ☐ other _____.

(R. 149). Essentially, Defendant raises one claim in his § 2255 Motion, but the Court will consider each of his grounds individually.

1. Defendant is a career offender because unlawful imprisonment is a crime of violence.

Defendant argues that the District Court erred in determining that he is a career offender because a crime he was previously convicted of was not a crime of violence and should not have been used to determine that he was a career offender. Defendant's Motions to Supplement clarify that it is his 1999 conviction for Unlawful Imprisonment, First Degree, that underlies this claim. (R. 159, at 1; R. 160, at 1). Defendant maintains that this conviction should not be considered a violent crime because of the underlying circumstances why he committed the crime; specifically, that he was preventing the mother of his unborn child from using crack cocaine. (*Id.*). While his reasons for committing the crime may be mitigating § 3553(a) factors, they should not be considered when determining whether career offender status is proper.

In determining whether a prior conviction is a violent felony, courts apply the "categorical approach," and consider only the statutory definition of the crime. *Taylor v. United States*, 495 U.S. 575 (1990). While *Taylor* dealt with whether burglary was a violent felony in accordance with the Armed Career Criminal Act, the "categorical approach has also been applied to determinations made pursuant to the Guidelines." *United States v. Arnold*, 58 F.3d 1117, 1121 (6th Cir. 1995). A court may only look at the underlying facts of a crime if the statute of conviction is ambiguous and could cover a wide range of behavior, meaning that the crime could be committed in a violent and non-violent manner. *Taylor*, 495 U.S. at 587. Here, Defendant was convicted of Unlawful Imprisonment, First Degree, a violation of Kentucky Revised Statute § 509.020. The statute

Guidelines, Application Note 6. While the Probation Office has had difficulty in locating that information, the undersigned, as officer of the Court, can state that at the Pre-Trial Release Hearing before Magistrate Robert Wier, Magistrate Wier noted and recognized that Mr. Kenney's statement about the same was accurate and correct. The undersigned is attempting to retrieve that information now, and hopes to present it at the hearing or prior thereto for the Court's review.

* As to the Unlawful Imprisonment charge, (PSR Paragraph 29, Page 7), it is important for the Court to know the facts of the case. The Unlawful Imprisonment charge arose from Mr. Kenney preventing a pregnant woman from using crack. The Complainant, Ms. Michelle George, was pregnant with Mr. Kenney's child. Mr. Kenney heard/found out that Ms. George was down the street at a "crack house". Mr. Kenney quickly went to the house, walked into the room and found Ms. George and another individual about to partake of a crack pipe. Mr. Kenney broke the crack pipe and dragged Ms. George out of that house. As he was escorting her home, he saw that Ms. George was trying to conceal crack in her bra. He took the crack from her person and in the process, scratched her with his fingernail. Mr. Kenney indicates that at his Plea and/or Sentence, Ms. Michelle George came to those hearings and confessed to the Court what had actually happened.

The above factual recitation is believable and credible based on circumstances surrounding Mr. Kenney's Plea and Sentence. First, the Sentence itself. The Court will note from the records that the charge was reduced from Kidnapping to Unlawful Imprisonment. Second, consistency of Mr. Kenney's actions. Mr. Kenney's actions of preventing Ms. George from committing a crime or harming herself or his child are

consistent with his actions throughout his life. Attached to this Sentencing Memorandum the Court will find a letter from the Senior Warden at Luther Luckett Correctional Complex dated February 11, 1999. The Senior Warden, Robert Conley, gave Mr. Kenney a letter of commendation for stopping an inmate who was attempting to rape a print shop administrator, one Dianna Dorsey. Additionally, there is a letter from Ms. Dorsey herself, the administrative assistant, corroborating the heroics of Mr. Kenney. There is also attached a letter from Thomas Eldridge, Operations Manager of KCI, noting Mr. Kenney's heroics. There is a Certificate of Merit received by Mr. Kenney attached and the same Thomas Eldridge, Operations Manager who wrote the letter of commendation also presented Mr. Kenney with the "Number Two Son" Award Certificate as a token that Mr. Kenney was trustworthy, decent and fair to not only fellow inmates but the staff working there. Finally, there is a letter from Sandra McIntosh, a fifteen (15) year employee at WKCC, talking about how Mr. Kenney always treated her with respect and protected the female officers. (All of the foregoing documents are attached hereto as Exhibit A).

Third, the written Judgment and Sentence on Guilty Plea. (It is attached hereto as Exhibit B). A review of said Exhibit shows that the Judgment and Sentence on Plea of Guilty was thoroughly completed. At the bottom of the document there are boxes that the Court can "check mark" if appropriate. It is crucial to note that the box next to the phrase "that victim suffered death or serious physical injury" is not marked. Mr. Kenney's actions were not an act of violence.

Further proof that unlawful imprisonment is not a crime of violence is KRS §509.020, the Unlawful Imprisonment Statute (attached hereto as Exhibit C). The

Dianna Dorsey
Kentucky Correctional Industries
Printing Plant
Luther Luckett Correctional Complex
1612 Dawkins Road
LaGrange KY 40031-0006

29, 1999

Ms Linda F Frank
Chairperson
Parole Board
500 State Office Building
Frankfort KY 40601

RE: Milton Kenny #77488LL

Dear Ms Frank:

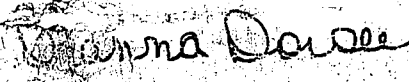
I am writing to ask you to take into consideration the heroic action that Milton Kenny #77488 recently took in restraining another inmate who was making an assault on me. There is no doubt that the injuries suffered by me would have been more serious if Mr. Kenny had not taken the action he did in stopping the inmate from assaulting me further. He did this without any thought to his safety.

I have worked with Mr. Kenny for 5 years and he has always treated the staff with the utmost respect but his actions in this incident went well beyond the norm. In part because of his actions, I am able to continue working in my job without a tremendous amount of fear.

There is not much I can do to show my appreciation to him but to thank him personally, which I have done many times since then. I believe you have it in your power to carry my thank you further. Even before this incident I felt Mr. Kenny would be a good parole risk but now more than ever I believe that.

I hope during your deliberations on Mr. Kenny's parole you will keep this request in mind.

Sincerely,



Dianna Dorsey
Administrative Assistant

V. **Relief requested:** List what you want the court to do; list what relief you seek against each defendant:

- A. "Relief of Two Hundred
B. and Fifty Thousand
C. Dollars."
D. _____
E. _____

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this ____ day of _____, 20__.

Signature: Milton O. Kennedy

Prison ID #: 14102-032

Address: Fed. Corr. Inst. Beckley
P.O. Box 350, Boone West Virginia
25813

Signature: _____

Prison ID #: _____

Address: _____

Signature: _____

Prison ID #: _____

Address: _____

☐ Check here if additional signatures are included on an additional sheet of paper.

All plaintiffs must sign complaint.

Shawn Lough

In the United States District Court

For the Southern District of West
Virginia (State)
Bookley Division

Name: Miltona Thompson

Prison ID #: 14102-032

Name: _____

Prison ID #: _____

Name: _____

Prison ID #: _____

☐ Check here if there are additional
 Plaintiffs—use separate sheet to
 list each person. DO NOT USE ET AL.

Civil Action #: _____

(To be assigned by the Clerk's
 Office. Do not write in this blank.)

vs.

Name: Shawn Lough

Name: _____

Name: _____

Name: _____

☐ Check here if there are additional
 Defendants—use separate sheet to
 list each person. DO NOT USE ET AL.

Complaint for the Violation of Civil Rights
Under 42 U.S.C. § 1983

I. Previous Lawsuits

A. Have you or any of the other plaintiffs listed above filed any other
 lawsuits in the United States District Courts and/or any state courts?

☐ Yes

☒ No

B. If you answered YES to Question A, list the following information:

☐ Check here if more than one lawsuit has been filed and list them on
 additional sheets

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. In what Court did you file the previous lawsuit?

(If Federal Court, name the District; if State Court, name the county.)

3. Case Number of the previous lawsuit: _____

4. Name of judge to whom the case was assigned: _____

5. Date previous lawsuit was filed: ____/____/____ (List at least the year.)

6. What was the disposition or result of the previous lawsuit? (for example, was it dismissed, appealed, or still pending)

7. When was previous lawsuit decided: ____/____/____ (List at least the year.)

8. Did the previous lawsuit involve the same facts or circumstances that you are now alleging in the lawsuit you are now submitting?

☐ Yes

☐ No

II. Place of Plaintiff(s)'s current confinement:

A. Name of prison or jail in which you are currently incarcerated:

Federal Corr. Inst. Berkeley

B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

☒ Yes

☐ No

C. If you answered NO to question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

D. Did you present these facts to the prison authorities through the prisoner grievance procedure?

☒ Yes

☐ No

E. If you answered Yes to question D:

1. What steps did you take:

Entire Procedure

But I was told by Administration

Person

Clark to go through Prison

2. What was result:

He never responded back

I filed Tort Claim-Denied Told to file Suit

F. If you answered No to question D, explain why not: _____

III. Parties to this Lawsuit

A. Plaintiff(s) bring this lawsuit:

1. Name of Plaintiff:

Milton Earl Korman

Prison ID #:

14102-032

Address, include name of institution:

Fed. Cor. Inst.

Beckley

P.O. Box 350 Boone, W. Virginia

2. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

3. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

☐ Check here if there are additional plaintiffs and list them on additional sheet of paper.

- B. Defendants against whom you are filing this lawsuit:
For each defendant, check whether you are naming the defendant in his or her individual and/or official capacity.

1. Name of Defendant: Sharon L. Lunn

Place of Employment: Fed. Court, Ind. - Backlog

Address of Defendant: P.O. Box 350

Boston, West Virginia 25815

Named in an official capacity? ☒ Yes ☐ No

Named in an individual capacity? ☒ Yes ☐ No

2. Name of Defendant: _____

Place of Employment: _____

Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No

Named in an individual capacity? ☐ Yes ☐ No

3. Name of Defendant: _____

Place of Employment: _____

Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No

Named in an individual capacity? ☐ Yes ☐ No

- ☐ Check here if there are more than 3 defendants. You must list each and every defendant. If you do not list the name of a defendant, he or she will not be included in the lawsuit. If you do not list the place of employment and address the clerk will not be able to serve that defendant. Use addition sheets of paper to list more than 3 defendants.

IV. Statement of your claim

State as briefly as possible all the facts of your case. Recite the dates when any incidents or events occurred, and the places where they took place. Describe how each defendant is involved. Also include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each one, and use a separate paragraph for each one.

On 11-16-12 at (1:00 P.M.) in Pine
 A Upper, I had a Team Meeting
 with Sharni Lough, Counselor,
 who tried to get me to sign
 papers saying I was a
 Sex Offender. I refused
 to sign the papers because
 my case of "Unlawful
 Imprisonment" and fourth
 Degree Assault was not
 a Sex Offense nor Sexual
 Assault. I was only pre-
 venting my Girl Friend from
 smoking Crack Cocaine Pro-
 gram with our Daughter. The
 "Federal Police Bureau
 Statement" 5141.02 clearly
 states, if I was not
 convicted in a Court, I
 should not be given a Re-
 striction or Notification
 of Sexual Offenses. I
 was never convicted in
 the Court for Sexual Assault

or a Sex Offender. My
Daughter deserved to not
be exposed or being
harmed by her Mother's
Drug use during Preg-
nancy. The same action
I took was no different
than me preventing
Mole Construction "4" Fe-
from being Sexual Assault
raped or Murdered. An most
importantly my child de-
served to be protected. From
Shawna Loughs False Actions,
I became Emotional Dis-
tressed, loss of weight
from worrying, called a Sex
Offender by Officer Williams
on 1-17-2012 and called a
Sex Offender by my Counselor
Mr. Gurnee, on 1-12-12. I had
to speak with Ms. Odell

On 12-9-11 and Mr. Seal
On 5-10-12 and Mr. Rodriguez
On 1-13-12. It was very in-
sulting to be called a Sex
Offender and then the in-
formation was sent to three
females, which was very very
stressful to discuss a Sex
Charge which was False
Information. The Publication
of Defamatory Information
was very outrageous to
my Reputation and inflic-
tion to my Character. His
False Information was "De-
famation of my Character"
and a clear violation of
the Program Policy Statement
and a violation of my 5TH
and 14th Constitutional
Rights, and Damaging to
me. And I have the right

to be free from having
 false information pre-
 sented and published
 against me. Another defini-
 tion of "sexual Assault"
 is sexual intercourse,
 which did not happen.
 Like I said before, I was
 only stopping my Girl
 Friend from causing any
 harm to our daughter,
 from her smoking Crack
 Cocaine Pregnant with our
 daughter. Something any
 man would do, to protect
 his child from being harm-
 ed. My victim did not
 fall under the definition
 of a Sex Offense. Sherrin
 Laughs conduct was an
 erroneous application of
 the Law and the Injustice
 results from his failure to

obtain true facts. His ac-
 cusations were made
 with reckless disregard
 Unreliable Information,
 False an Defamatory state-
 ment, Unprivileged publi-
 cation and Negligence on
 his part in publishing
 the False statements. His
 conduct violated my Consti-
 tutional Rights, 5th and 14th
 Amendment. The nature
 and circumstance, was
 arising her, my Daughter
 Sharon L. Lough has
 violated my action's
 section, of the Equal Pro-
 ment and 14th Amend-
 a due to libelation and
 in my "Good Name". An my
 Rights have been Invaded.
 I have the Right to not

be considered a Sex Offender
over. Through his own "In-
dividual Actions" he has
violated my Constitutional
Rights and a Reckless
disregard to the Truth.
So I ask this Court
to grant me the "Noce
Suey Relief". Also, before
I close my issues, I
would just like to
say, what I am going
through mentally of
being called a "Sex
Offender", is very very
Emotional Distress. It is
uncalled for, because
the Unlawful Imprison-
ment charge was con-
sidered a violent
Crime by the Court, an

i was given the "Conceal
Offender" enhancement,
as to the charge being
a Violent Crime, not a Sex
Crime. I have enclosed
paper work to record
what i've said.

Thank You Better Hand.
Milton K...

"P.S."

Also, i cannot be twice
lawfully punished for
the same offense.
Equal Protection Clause
Of The 14TH Amendment.

V. **Relief requested:** List what you want the court to do; list what relief you seek against each defendant:

- A. Relief of "Two Hundred
B. and Fifty Thousand
C. Dollars"
D. _____
E. _____

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this ____ day of _____, 20__.

Signature: Milton Oakberry

Prison ID #: 14102-052

Address: Fed. Cor. Inst. Bockley
P.O. Box 350, Boonville, Virginia
25813

Signature: _____

Prison ID #: _____

Address: _____

Signature: _____

Prison ID #: _____

Address: _____

☐ Check here if additional signatures are included on an additional sheet of paper.

All plaintiffs must sign complaint.

Thank
you...

10-24-12

Dear:

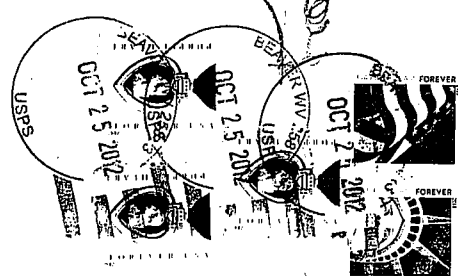
I am about to get trans-
ferred to another Institution.
I shall write you and
give you my new address.
I don't know when
it will be transferred, but
know when, once it gets to
my new address I shall
write you and give you
my new address.

Thank You Boyer Hand

Milton Kenner

P.S.) If I have to Appeal
your decision, will you
mail me the "Appeals Court address."

Milton Kennedy 14102-032
Federal Corrections Institution
P.O. Box 350
Beckham, West Virginia
25813



U.S. District Court
110 N. Weber Street
Room 119
Beckham, West Virginia
25801

